

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATE OF AMERICA, :

**AFFIRMATION**

- against :

**08 Cr. 557 (SAS)**

FALIKOU KONE, :

Defendant. :

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I, FALIKOU KONE, hereby declare under penalties of perjury, pursuant to 28 U.S.C. Sec. 1746:

1. I am the defendant in this case. I make this statement in support of a motion to suppress physical evidence seized from home and person on August 10, 2007 and from my storage locker located at Storage Deluxe, 255 Exterior Street, Bronx, New York 10451, on August 10, 2007. Because this statement is being made for a limited purpose, I do not state each and every detail of what happened.

2. On August 10, 2007, I lived at 367 East 158<sup>th</sup> Street, Apartment #2, Bronx, New York 10451, with my wife and two children.

3. On August 10, 2007, I was serving a five-year term of supervised release imposed by Judge Harold Baer on July 15, 2004. One of the conditions of my supervised release was that I agreed to "permit a probation officer to visit at any time at home or elsewhere and...permit confiscation of any contraband observed in plain view by the probation officer." There were no other conditions authorizing a search of my residence or person.

4. On the early morning of August 10, 2007, a large number of probation officers and

Secret Service agents came to my apartment. When I answered the door, one of the officers told me that they had a "search warrant" to search my apartment. One of the officers showed me a piece of paper, but did not give me time to read it.

5. The probation officers and Secret Service agents proceeded to search my apartment and my person. I did not consent to these searches. During the time the agents and officers were searching my apartment, I was ordered to sit in a chair.

6. The agents and officers seized numerous items from my apartment and person. I do not know all of the items that they seized. I am aware, however, that the agents and officers seized a number of documents from various locations in my apartment. I also know that the agents took my computer and printer. Except for the computer and printer, none of the items seized from my apartment were in plain view. The terms of my supervised release did not prohibit me from having a computer or printer.

7. From my wallet, the agents took a picture of an identification card in the name of Amadou Conte and a card from Storage Deluxe, a storage facility located at 255 Exterior Street, Bronx, New York 10451.

8. On August 10, 2007, I had a current lease for storage locker 1215 at Storage Deluxe. The storage locker had been rented about 3 months prior to August 10, 2007. The locker had been rented by Amadou Conte, who is a friend of mine. I helped to pay for the lease on the locker. The locker was secured by a padlock and Mr. Conte and I both had keys to the locker. I had used the locker on a number of occasions. Only Mr. Conte and I had access to the locker.

8. I have learned that agents and officers searched my storage locker on August 10, 2007 and seized numerous items from my storage locker. I did not consent to this search.

7. After the agents and officers finished searching my apartment, I was handcuffed and taken into custody.

Dated: Brooklyn, New York  
August 21, 2008

FALIKOU KONE  
**FALIKOU KONE**